



General Assembly

January Session, 2005

***Raised Bill No. 1095***

LCO No. 3492

\*03492\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING HOSPITAL PATIENTS' RIGHTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2005*) (a) There is established a  
2       hospital patients' bill of rights which each hospital, as defined in  
3       section 19a-490 of the general statutes, shall distribute to each person  
4       admitted as a patient to the hospital. The patients' bill of rights shall  
5       contain provisions that require each hospital to protect and promote  
6       each patient's rights, including, but not limited to, the following:

7       (1) A hospital shall inform each patient, or when appropriate, the  
8       patient's representative, of the patient's rights, in advance of furnishing  
9       or discontinuing patient care whenever possible.

10      (2) A hospital shall establish a process for prompt resolution of  
11      patient grievances and inform each patient whom to contact to file a  
12      grievance.

13      (3) The patient has the right to participate in the development and  
14      implementation of the patient's plan of care.

15      (4) The patient or the patient's representative has the right to make

16 informed decisions regarding the patient's care, including, but not  
17 limited to, being informed of the patient's health status, being involved  
18 in care planning and treatment and being able to request or refuse  
19 treatment.

20 (5) The patient has the right to formulate advance directives and to  
21 have hospital staff and practitioners who provide care in the hospital  
22 comply with these directives.

23 (6) The patient has the right to have a family member or  
24 representative of the patient's choice, or the patient's own physician  
25 notified promptly of the patient's admission to the hospital.

26 (7) The patient has the right to personal privacy.

27 (8) The patient has the right to receive care in a safe setting.

28 (9) The patient has the right to be free from all forms of abuse or  
29 harassment.

30 (10) The patient has the right to confidentiality of his or her clinical  
31 records.

32 (11) The patient has the right to access information contained in his  
33 or her clinical records within a reasonable time frame. The hospital  
34 shall not frustrate the legitimate efforts of individuals to gain access to  
35 their own medical records and shall actively seek to meet these  
36 requests as quickly as its recordkeeping system permits.

37 (12) The patient has the right to be free from restraints of any form  
38 that are not medically necessary or are used as a means of coercion,  
39 discipline, convenience or retaliation by staff. For purposes of this  
40 subdivision, "restraints" include any (A) manual method or physical or  
41 mechanical device, material or equipment attached or adjacent to a  
42 patient's body that the patient cannot easily remove and restricts  
43 freedom of movement or normal access to the patient's body, and (B)  
44 medication used to control behavior or restrict the patient's freedom of

45 movement that is not a standard treatment for the patient's medical or  
46 psychiatric condition.

47 (13) A hospital shall ensure that the condition of a patient who is in  
48 a restraint or in seclusion is continually assessed, monitored and  
49 reevaluated.

50 (14) A hospital shall ensure that all staff who have direct patient  
51 contact have ongoing education and training in the proper and safe  
52 use of seclusion and restraint application and techniques and  
53 alternative methods for handling behavior, symptoms and situations  
54 that traditionally have been treated through the use of restraints or  
55 seclusion.

56 (15) A hospital shall report to the Commissioner of Public Health  
57 any death that occurs while a patient is restrained or in seclusion, or  
58 when it is reasonable to assume that a patient's death is a result of  
59 restraint or seclusion.

60 (b) Any hospital that negligently deprives a patient of any right or  
61 benefit created or established for the safety and well-being of the  
62 patient by the provisions of this section shall be liable to such patient  
63 in a private cause of action for injuries suffered as a result of such  
64 deprivation. Upon a finding that a patient has been deprived of such a  
65 right or benefit, and that the patient has been injured as a result of such  
66 deprivation, damages shall be assessed in the amount sufficient to  
67 compensate such patient for such injury. In addition, if the deprivation  
68 of any such right or benefit is found to have been wilful or in reckless  
69 disregard of the rights of the patient, punitive damages may be  
70 assessed. A patient may also maintain an action pursuant to this  
71 section for any other type of relief, including injunctive and  
72 declaratory relief, permitted by law. Exhaustion of any available  
73 administrative remedies shall not be required prior to commencement  
74 of suit under this section.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2005</i>	New section
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***Statement of Purpose:***

To establish a patients' bill of rights for any person admitted as a patient to any hospital in the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*